

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 617

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO FAIRNESS IN RENTAL APPLICATIONS; AMENDING TITLE 6, IDAHO CODE,
2 BY THE ADDITION OF A NEW CHAPTER 36, TITLE 6, IDAHO CODE, TO PROVIDE CER-
3 TAIN LIMITATIONS ON RENTAL APPLICATION FEES AND TO PROVIDE A LIMITATION
4 ON BACKGROUND CHECKS; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-
5 FECTIVE DATE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended
9 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
10 ter 36, Title 6, Idaho Code, and to read as follows:

11 CHAPTER 36

12 FAIRNESS IN RENTAL APPLICATIONS

13 6-3601. RENTAL APPLICATION FEES. (1) Unless otherwise allowed by sub-
14 section (2) of this section, a property owner or property manager may not
15 charge or accept from a rental applicant a rental application fee unless such
16 owner or property manager:

17 (a) Has a residential rental unit available and the rental application
18 fee is applied toward such unit; and

19 (b) Discloses any criteria that the property owner or property manager
20 will review as a condition of accepting the applicant as a tenant in the
21 residential rental unit, including criteria related to the applicant's
22 criminal history, credit score, income, employment or employment his-
23 tory, or rental history.

24 (2) A property owner or property manager may not take multiple applica-
25 tion fees for a rental unit unless:

26 (a) The application fee is associated with a written backup offer in
27 case an earlier applicant is denied or declines to accept an available
28 residential rental unit, in which case the property owner or property
29 manager may collect the application fee but may not process the fee un-
30 less or until an applicant is next in line; or

31 (b) The property owner or property manager anticipates that future va-
32 cancies will become available and the applicant has agreed in writing to
33 be placed on a waiting list for anticipated vacancies and, in that in-
34 stance, the property owner or property manager may collect the applica-
35 tion fee but may not process the fee unless or until such applicant is
36 next in line.

37 6-3602. BACKGROUND CHECKS. A property owner or property manager shall
38 run only one (1) background check at a time for an available rental unit and
39 must compare the applicant to the pre-disclosed rental criteria provided

1 for in section 6-3601(1) (b), Idaho Code, and never to another applicant or
2 renter.

3 SECTION 2. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after
5 July 1, 2022.